REMARKS

Claims 1, 4-10 and 12 currently appear in this application. Claims 1, 4 and 5 are allowed. The Advisory Action of April 1, 2005, has been carefully studied. Claims 6-10 and 12 define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present response, and formal allowance of the claims.

In the Advisory Action mailed April 1, 2005, which was mailed more than three months after applicant's after final amendment, the Examiner maintained the rejection of claim 10, alleging that the features upon which applicant relies, *i.e.*, means for determining the level of glucose in the blood and interstitial fluid selected from the group consisting of fluorescence, chemiluminescence, bioluminescence, colorimetric, and electrochemical methods, are not recited in the claims.

Applicants respectfully point out that claim 10 was amended in the amendment filed December 28, 2004, to recite these very means for determining glucose levels. It is not understood why the Examiner maintains her rejection of claim 10.

Claims 6-8 and 12-13 are rejected as being unpatentable under 35 U.S.C. 103(a) over Paisey and Sigma Chemical Company Catalog.

This rejection is respectfully traversed. Claim 6 recites that the kit for determining levels of glucose in the

blood requires a means for measuring hemoglobin in a sample. Paisey et al. disclose means for measuring **glycosylated** hemoglobin by distinguishing between fetal hemoglobin and glycosylated hemoglobin. The reagents for this test are quite different from the reagents used in the kit of the present invention. The Examiner even conceded in the previous Office Action that Paisey et al. do not teach the use of equivalent and well-known glucose measuring techniques or the use of functionally equivalent reagents. The Sigma Catalog adds nothing to Paisey et al., because the Sigma Catalog does not suggest that using one type of reagent to measure hemoglobin is equivalent to use a different type of reagent to distinguish between fetal hemoglobin and glycosylated hemoglobin. Paisey et al. do not measure glucose *per se*, but rather distinguish between fetal hemoglobin and glycosylated hemoglobin. Paisey et al. measure glycosylation of hair as a measure of chronic hyperglycemia. The present invention measures hemoglobin, which measurement is then used to measure the amount of glucose in the blood or interstitial fluid.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paisey et al. in view of Albarella et al.

This rejection is respectfully traversed. Albarella et al. measure hemoglobin using amine borate compounds to detect occult blood in the urine. This has nothing at all to do with reagents for measuring glucose in a sample of blood and interstitial fluid from hair. One measuring fetal and glycosylated hemoglobin in a blood sample would not be motivated to combine this with a method for detecting occult blood in urine in order to measure glucose and a blood component. Measuring occult blood in urine is a far different

test, and calls for far different reagents and other members of a kit, than measuring a blood **component**.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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